IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 423 OF 2003

IN

SUMMARY SUIT NO.1560 OF 2002

Bhansali Engineering Polymers .. Plaintiff

versus

Suryoday Plastic Ltd. .. Defendant

...

Mr.S.R. Saudagar for the plaintiff.

Mr.V.A. Rathi for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 21st March 2005.

P.C.:

1. Both the learned counsel state that the facts in this suit and Summons for Judgement are similar and identical in Summons for Judgement no.422 of 2003 in Summary suit no. 1409 of 2002, except variation in the dates and amount. In this case also, the learned counsel for the plaintiff gives up the claim for interest.

2. For the reasons recorded in the order passed today in Summons for Judgement no.422 of 2003, in this case also, the defendant is granted conditional leave to the defendant to defend the suit subject to its depositing in the Court the principal sum of Rs.6,07,600/- within a period of eight weeks. On such deposit, the plaintiff is permitted to withdraw the same by furnishing the bank guarantee or other security to the satisfaction of Prothonotary and Registrar (O.S>).

3. On deposit of the money, the suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of ten weeks from today.

D.G. KARNIK, J